

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR)	
SYSTEMS, INC. and ABBOTT)	REDACTED PUBLIC
LABORATORIES, INC.,)	VERSION
)	
Plaintiffs,)	Civil Action No. 98-80 (SLR)
)	(Consolidated with C.A. No. 98-314 (SLR)
v.)	and C.A. No. 98-316 (SLR))
)	
MEDTRONIC VASCULAR, INC. and)	
MEDTRONIC USA, INC.,)	
)	
Defendants.)	

**MEDTRONIC'S MOTION FOR LEAVE TO FILE SURREPLY TO ABBOTT'S MOTION
TO LIFT STAY OF PROCEEDINGS ON ABBOTT'S MOTION
FOR PERMANENT INJUNCTION AS TO MEDTRONIC'S ENDEAVOR**

Defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. ("Medtronic") respectfully move for leave to file a surreply to Plaintiff's Motion to Lift Stay of Proceedings on Abbott's Motion for Permanent Injunction as to Medtronic's Endeavor (D.I. 824) in light of two serious (among many) misstatements of fact in Plaintiff's Reply Brief In Support Of Its Motion To Lift Stay Of Proceedings (D.I. 830). Medtronic's short proposed surreply is attached hereto as Exhibit 1 and its proposed declaration attaching supporting evidence is attached hereto as Exhibit 2.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs Louden

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April 1, 2008

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CERTIFICATE PURSUANT TO D. DEL. LR 7.1.1

Defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. ("Medtronic") certify that they have conferred with counsel for Abbott Cardiovascular Systems, Inc. and Abbott Laboratories, Inc. ("Abbott") on Medtronic's Motion for Leave to File Surreply to Plaintiff's Motion to Lift Stay of Proceedings on Abbott's Motion for Permanent Injunction as to Medtronic's Endeavor, and that Abbott opposes the motion.

/s/ Karen Jacobs Louden

Karen Jacobs Louden (# 2881)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 11, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to Frederick L. Cottrell, III.

I further certify that on April 11, 2008 I served copies of the foregoing to the following counsel in the manner indicated:

BY HAND & EMAIL

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